

**AFFIDAVIT OF DEPORTATION OFFICER RICHARD J. COLEMAN**  
**IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Richard J. Coleman, being duly sworn, depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Deportation Officer with the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”), Enforcement and Removal Operations (“ERO”) assigned to the office of the Field Office Director (“FOD”), Boston, Massachusetts, and have been so employed since August of 2002. I have been employed as an immigration officer in a full time, continuous status for approximately 20 years. I am currently assigned to the ERO Criminal Prosecutions (“ECP”) unit and have been so since June of 2020. In 2002, I attended the Immigration Officer Basic Training Course. I have received training and experience in the enforcement of the immigration laws of the United States and the detection and apprehension of aliens who are in the United States unlawfully. I am assigned to investigate cases involving persons who have illegally reentered the United States after having been deported and other violations of the Immigration and Nationality Act. I know that it is a violation of Title 8, United States Code, Section 1326, to reenter the United States after deportation without having received the express consent of the Secretary of the Department of Homeland Security to reenter.

2. The information contained in this affidavit is based upon information from my investigation, as well as information provided to me by other law enforcement agents and agencies, a review of criminal history records, and a review of documents from the Alien File #xxx-xxx-281 (“A-File”) associated with an individual named Romeo Waldemar GABRIEL LOPEZ d/o/b: xx/xx/1991.

3. This affidavit is submitted in support of a criminal complaint and arrest warrant charging Romeo Waldemar GABRIEL LOPEZ with Unlawful Reentry of Deported Alien, in

violation of Title 8, United States Code, Section 1326(a). This affidavit is submitted for the limited purpose of establishing probable cause to secure a criminal complaint and arrest warrant. In submitting this affidavit, I have not included each and every fact known to me and other law enforcement officers concerning this investigation. Instead, it only contains facts sufficient to establish probable cause in support of a criminal complaint and the issuance of an arrest warrant.

#### **OVERVIEW OF INVESTIGATION**

4. On January 30, 2016, GABRIEL LOPEZ was arrested by an ICE Deportation Officer after recently completing probation for a Massachusetts state court charge of operating under the influence of liquor and also being under investigation for a subsequent OUI offense. During this encounter, GABRIEL LOPEZ admitted that he had entered the United States illegally by crossing the United States-Mexico border in Arizona several years prior without inspection or permission by an immigration official. He was found with a Guatemalan passport.

5. After his arrest, removal proceedings commenced before the Immigration Court. On April 4, 2016, an Immigration Judge in Boston ordered that GABRIEL LOPEZ be removed from the United States. On April 27, 2016, he was removed from the United States. At the time of his removal, GABRIEL LOPEZ's fingerprint, photograph, and signature were obtained and affixed on the I-205, Warrant of Removal/Deportation.

6. On August 30, 2016, Border Patrol Agents in Eagle Pass, Texas found GABRIEL LOPEZ with two other individuals shortly after crossing the United States-Mexico border by crossing the Rio Grande. During this encounter, GABRIEL LOPEZ admitted he was a citizen of Guatemala and had no immigration documents that permitted him to stay in the United States. GABRIEL LOPEZ was charged in the U.S. District Court for the Western District of Texas (Del Rio) with one count of illegal entry in violation of 18 U.S.C. § 1325, was found guilty, and was

sentenced to a term of incarceration for 25 days. Subsequently, on or about October 4, 2016, GABRIEL LOPEZ was removed from the United States. At the time of his removal, GABRIEL LOPEZ's fingerprint, photograph, and signature were obtained and affixed on the I-205, Warrant of Removal/Deportation.

7. On December 14, 2016, GABRIEL LOPEZ was again found by Border Patrol agents just after having illegally crossed the United States-Mexico border in Eagle Pass, Texas. During this encounter, GABRIEL LOPEZ again stated that he was a citizen of Guatemala and was unable to present any documents that would allow him to stay in the United States. GABRIEL LOPEZ was again charged and pled guilty to one count of illegal entry in violation of 18 U.S.C. § 1325. GABRIEL LOPEZ was sentenced to a term of incarceration of 120 days. Subsequently, on or about April 20, 2017, GABRIEL LOPEZ was removed from the United States. At the time of his removal, GABRIEL LOPEZ's fingerprint, photograph, and signature were obtained and affixed on the I-205, Warrant of Removal/Deportation.

8. At an unknown date and at an unknown place, GABRIEL LOPEZ returned to the United States. On February 17, 2020, after an arrest for a Massachusetts state court charge for an OUI, ICE officers located and arrested GABRIEL LOPEZ in Lynn, Massachusetts. On or about March 4, 2020, he was again removed from the United States. At the time of his removal, GABRIEL LOPEZ's fingerprint, photograph, and signature were obtained and affixed on the I-205, Warrant of Removal/Deportation.

9. After this most recent removal, GABRIEL LOPEZ returned to the United States at an unknown date and at an unknown place. In August 2023, he was found in the custody of the Essex County Sheriff's Office for a sentence for a violation of probation on an OUI charge in Lynn District Court. ICE officers arrested GABRIEL LOPEZ on September 8, 2023.

10. On or about September 12, 2023, I requested that the Federal Bureau of Investigation examine fingerprints taken from GABRIEL LOPEZ at the time of his removal in April 2016, October 2016, April 2017, and March 2020 and compared those fingerprints to the ones obtained from him when he came into ICE custody on September 8, 2023. On September 12, 2023, the FBI reported that these prints are identical to each other.

11. In addition, I have reviewed the A-File associated with GABRIEL LOPEZ and confirmed, among other things, that GABRIEL LOPEZ is not a citizen of the United States and appears to be a citizen of Guatemala. The A-File also contains the removal verification documents referenced above. The I-205s, as well as some of the other documents contained in GABRIEL LOPEZ's A-file, contain GABRIEL LOPEZ's fingerprint, photograph, and signature. A review of these materials also revealed no evidence that he has ever received the express consent of the Secretary of the Department of Homeland Security to re-enter the United States following any of his deportations.

### **CONCLUSION**

12. Based on the foregoing facts, I submit there is probable cause to believe that on or about September 8, 2023, GABRIEL LOPEZ, being an alien and having been excluded, removed, or deported from the United States on March 4, 2020, was thereafter found in the United States without having received the express consent of the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a).

/s/ Richard J. Coleman

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Richard J. Coleman  
Deportation Officer  
U.S. Immigration & Customs Enforcement

SWORN to telephonically in accordance with Fed. R. Crim. P. 4.1 on this date of September 26, 2023.

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HONORABLE M. PAGE KELLEY  
UNITED STATES MAGISTRATE JUDGE

